

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, August 4, 2020

Mayor Schmidt called the meeting to order at 7:00PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, and Laura Mitchell

Mona Merrill was present for part of the meeting. She voted on all of the motions.

Staff Present: Town Attorney John Sullivan, Town Manager Dara MacDonald, and Town Clerk Lynelle Stanford

Chief Marshal Mike Reily, Community Development Director Troy Russ, Parks and Recreation Director Janna Hansen, Public Works Director Shea Earley, Finance Director Rob Zillioux, Assistant Design Review Coordinator Jessie Earley, and Town Planner I Mel Yemma (for part of the meeting)

Everyone connected and participated in the meeting via Zoom. Schmidt, MacDonald, Zillioux, and Stanford were present in Council Chambers.

Schmidt congratulated Joe Fitzpatrick on his retirement. He acknowledged it had been a trying time, and he recognized the Marshal's Office.

APPROVAL OF AGENDA

Dujardin moved and Haver seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

1) July 20, 2020 Regular Town Council Meeting Minutes.

Mitchell moved and Dujardin seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes," except Bradley did not vote because she was absent from the July 20th meeting. **Motion passed unanimously.**

**A PROCLAMATION SALUTING UNITED STATES SUPREME COURT
DECISION PROTECTING LGBTQ INDIVIDUALS FROM EMPLOYMENT
DISCRIMINATION**

Bradley read the proclamation.

A PROCLAMATION OF THE TOWN OF CRESTED BUTTE, COLORADO SALUTING KYLEENA FALZONE

Magner read the proclamation. Falzone thanked everyone and expressed her love for Crested Butte. Her goal was to always give back.

A PROCLAMATION IN APPRECIATION OF THE HEROS AND HEROINES OF CRESTED BUTTE, COLORADO

Schmidt read the proclamation.

PUBLIC COMMENT

Melissa Mason

- On behalf of The Center for the Arts, she requested support for a letter regarding the Save the Stages Act.
- Schmidt acknowledged receipt of the letter. No one on the Council voiced disagreement with Schmidt signing the letter.

STAFF UPDATES

- MacDonald reminded the Council of the upcoming intergovernmental meeting. Stanford asked for RSVPs.
- Earley reported on the slurry seal project, taking place on August 10th. He affirmed there would be an overlay on Red Lady Avenue.
- MacDonald pointed out the inclusion of the report from Russ.
- Schmidt said Parks and Rec would be talking with the softball managers about mask wearing. Hansen reviewed efforts that were being made and planned.
- Schmidt mentioned details on the intergovernmental meeting.

PUBLIC HEARING

1) Ordinance No. 22, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 906 Butte Ave (A Town Owned Building) to Jeff Black.

Schmidt read the title of the ordinance. He confirmed Jeff Black was an employee; the lease was a year lease; and proper public notice had been given. The public hearing was opened and then closed after no comments from the public. There was no further Council discussion.

Mitchell moved and Dujardin seconded a motion to approve Ordinance No. 22, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

OLD BUSINESS

1) Updated Financial Forecast and Discussion.

Zillioux stated that generally speaking the revenue numbers were tight through second quarter. Revenue was holding up pretty well in spite of everything, at 3% below, and the Real Estate Transfer Tax was floating revenue. Sales tax was down 10% for the first six months. Zillioux reported on specific revenue sources, such as the Property Tax and the STR Excise Tax. He maintained the projection of being off \$1M in sales tax this year.

Zillioux provided summaries of the General Fund expenses, the Sewer & Water Fund, the Capital Fund, the Street and Alley Fund, and the Affordable Housing Fund. He mentioned the debt schedule. Magner asked how Town was faring compared to other communities. Zillioux explained Town was better than average amongst the resort communities. Magner applauded Staff. Mitchell wondered about a staff person for trash on the weekends. Hansen said there had been one applicant for the new position. In addition, there were staff members who volunteered for overtime.

2) Consideration of Bid Award for Construction of Hockey Changing Rooms at the Big Mine Ice Arena.

Hansen reminded the Council of the discussion at the last meeting, and she updated on changes since the last meeting. Hansen identified bid amounts from Black Dragon, one with a spectating area and one without. Hansen explained the current material planned for construction required overnight temperatures of 40 degrees or higher. The material could be changed to steel, that could possibly come in lower than budget, but the material change would require BOZAR approval.

Hansen pointed out there were letters of support from WEHA, CB Nordic, and CBCS. She reported on COVID social distancing requirements related to the Big Mine Warming House and the Big Mine Ice Arena. Current restrictions would not deem the changing rooms usable, outside of an approved variance. Hansen outlined budget cuts that had been made, including staffing. She asked the Council whether this project was a priority for funding. She was excited for the project, but the timing gave her heartache.

Schmidt asked whether Bradley or Haver, both of whom were absent from the discussion at the last meeting, had any comments. Haver thought it was tough. Bradley agreed it was a tough decision. Mitchell was leaning towards not moving forward. Magner asked about staff resources in managing the project. Hansen responded by reporting on the impacts. Merrill acknowledged the changing rooms had been on the books for years. She was worried the earmark on the money would be lost, and it would be another six years until the project would be done. Dujardin felt like they should do their best to put the programs in a place to open this winter. He was in favor of doing the project as soon as possible. Magner asked Hansen to explain the situation with adding the seating later. Hansen told the Council the seating would be more expensive to add after the fact, and there would be cost savings with doing the project all at once.

Magner made a motion to delay the construction of this project until such time as the Town is in better financial and staffing positions and when we have better assurance that they will actually be used. The motion died for lack of second.

Dujardin moved and Merrill seconded a motion to award the bid to Black Dragon Development. A roll call vote was taken with Schmidt, Bradley, Dujardin, and Merrill voting, "Yes," and Mitchell, Magner, and Haver voting, "No." **Motion passed.**

3) Update on Elk Avenue Configuration.

Yemma listed and described changes that had been made to the configuration since its inception. Russ elaborated upon the walk through with the County Health Inspector to restaurants, and they saw excellent compliance. Yemma mentioned the parking study that had been done. Another survey had been sent to businesses, and she summarized the results. The big discussion for tonight was around the timeline. Staff recommended the Council discuss and consider keeping the reconfiguration up for beyond September 1st. Staff recommended it be taken down by October 15th. Schmidt affirmed people could take down their area before October 15th, if the Council decided to allow for longer. Magner asked if there was feedback on the removal of the bus stop on Elk. Neither Yemma nor Russ received feedback. Haver would hate for Elk Avenue to look like it did when it was first started. Haver read a lot of concern about the ten-minute parking, and he wondered if there was a way to paint on the street. Schmidt was okay with leaving the reconfiguration until October 15th. There was discussion regarding the date of October 15th.

Magner moved and Mitchell seconded a motion to extend the Elk Avenue reconfiguration until October 15th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Ordinance No. 23, Series 2020 - An Ordinance of the Crested Butte Town Council Authorizing the Town to Enter into a Land Lease Agreement with Commnet Cellular D/B/A Verizon Wireless for the Installation of a New Wireless Tower and Related Facilities on Town Owned Property Located At 2 N. 8th Street, Crested Butte, Colorado.

Mitchell shared a personal experience of hers. Verizon informed her they did not serve Town. MacDonald confirmed Verizon's intention was to provide better coverage.

Schmidt read the title of the ordinance. He suggested the Council set the ordinance for public hearing with the stipulation that Verizon would answer Mitchell's question before the next meeting. Mitchell stated that 5G would be concerning. MacDonald confirmed 5G was not the intention with this tower. She would attempt to convey what Mitchell heard though the person dealing with the tower.

Mitchell moved and Bradley seconded a motion to set Ordinance No. 23, Series 2020 for public hearing on August 17th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 24, Series 2020 - An Ordinance of the Crested Butte Town Council Approving Amendment to Planned Unit Development (PUD) for Blocks 30 and 31 and the Crested Butte's Official Zone District Map.

Schmidt read the title of the ordinance. Russ showed a map that depicted the location of the property. He provided background on the ordinance. He explained the applicant requested modifications to what had been approved by the Town. Brian Delaney, the architect, said they were working to revise and meet the conditions laid out in the staff report. Russ clarified the PUD was an overlay to the zone district. There was discussion on the sizes of the buildings.

Dujardin moved and Magner seconded a motion to set Ordinance No. 24, Series 2020 for public hearing at the August 17th meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Discussion Regarding Crested Butte Marshal's Office and Community Centered Policing.

Reily referred to his staff report in the packet. MacDonald explained Staff wanted to provide background to the Council on the Marshals' approach to policing. Schmidt asked Reily what defunding the police meant to him. Reily recognized Marshals were maybe not the correct resource for certain jobs. They were not ignoring these issues, but they were falling back to where they should be. Dujardin wanted to make sure Town's officers were having the conversations themselves, and he asked if they had started having conversations. He voiced concern about what had happened at the Sheriff's Office. He thought it took a while for the Sheriff's Office to do something.

Reily described law enforcement as a constant adaptation. He cited the transference of knowledge from one shift to another and the importance of training in the absence of call volume. Magner received citizen input that the Marshal's Department had a military force appearance. Reily told the Council that the people they hired were awesome. He acknowledged there was a certain look a police officer should have on the outside.

The discussion became focused on the uniform color and gear. Both Schmidt and Magner heard comments on the uniform color. Black uniforms did not bother Mitchell. Dujardin also had been talked to about the uniforms. Reily identified the easiest solution would be to go with a different colored shirt. He acknowledged that black colored clothing was the easiest to match. MacDonald did not hear objection from the Council to moving away from black. The first step would be to start with the shirts. Magner suggested both shirt and pants colors be changed and to look into options other than black.

Mitchell recommended a book entitled, *White Fragility*. Dujardin had an idea for an event to provide the option for people to learn how open the Marshals were to conversations. Magner suggested it would be nice for the Marshals to walk up and down Elk Avenue during the day, meeting locals. Reily invited the Council to ride alongs, trainings, and shift changes.

LEGAL MATTERS

Adding to the previous discussion, Sullivan informed the Council that he had never seen anything in the Marshals' reports that had given him pause.

Sullivan stated a lot of the documentation for the closing on the annexation was ready to go. Marcus Lock said there was a back-up of closings at the title company, so the annexation might not close until September. The annexation was on course but not moving fast.

COUNCIL REPORTS AND COMMITTEE UPDATES

Laura Mitchell

- There would be a joint meeting with Mountain Express and RTA this week.
- She would miss the elected officials' dinner.

Mallika Magner

- Both of the trailers on the Redden property had been rented.

Candice Bradley

- She reported on the TAPP Board meeting.
 - The lodging numbers were looking up.
 - Cattlemen's was shooting for September. They were working with a rodeo network that would broadcast. The cow people would be the only ones there.
 - They believed that past years' messaging had really paid off in this time period.
 - They were trying to figure out the RV camping market.
 - They were offering the accelerator program starting in September.
- She believed the industry subgroups were a great asset to the community, and she relayed that thought to John Norton. TAPP was willing to help out. She suggested a County Commissioner come to the Council with information on how TAPP was being guided and where the marketing dollars were going. Magner agreed it would be great to hear how TAPP spent the tax dollars. Schmidt said they could invite John Norton to speak to the Council again. MacDonald would contact him.

Will Dujardin

- He had a conflicting meeting with the Upper Gunnison River Water Conservancy District.

- He attended a brief update on the rule making put on CC4CA. They were looking for municipal leaders to testify in the rule making. They could advocate for better controls.
- He referred to emails he was sending concerning the EOC meetings. Magner thanked him for his notes.
- They would have an OVLC meeting this Thursday.
- The County hired a Recovery Coordinator, Loren Ahonen.

Jim Schmidt

- He Zoomed in to a CDOT meeting.
 - They were contracting throughout the budget. The main thing in this district to contract was a wildlife underpass north of Ridgeway.
 - The Blue Canyon project was still scheduled to go. Marlene (Crosby) and he urged CDOT to provide funding for Kebler Pass. The County was considering a length limitation for vehicles.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Dujardin and Magner sent an email, and Karen Hoskins sent an email about Black Lives Matter. Schmidt asked whether the Council should set the discussion for a work session. The Council decided to allocate 45 minutes for the Black Lives Matter discussion and 15 minutes for the Zinc discussion at the August 17th meeting. Dujardin cited systemic racism in outdoor recreation. He suggested an official Juneteenth event and painting on the pavement. Magner reported that they talked about Crested Butte joining the current national conversation. She further elaborated they were talking about a conversation assessing how Crested Butte could be part of the solution.

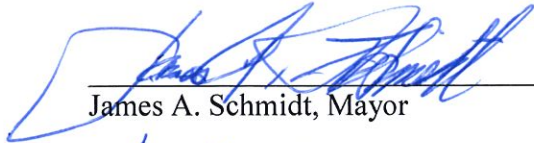
Schmidt brought up that Waste Management did not take his garbage last week. He found out that Joy had retired. Instead, he got someone in Texas through the local number, who told him his house did not exist. He found it frustrating that there used to be a local manager, and then he found out there was no longer a local boss. He wanted better communication with Waste Management.


DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, August 17, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, August 31, 2020 - 1:00PM to 5:00PM Work Session to Discuss Budget
- *Tuesday*, September 8, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, September 21, 2020 - 6:00PM Work Session - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:45PM.


James A. Schmidt, Mayor


Lynelle Stanford, Town Clerk (SEAL)

